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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nehls *et al.*

Serial No.: 09/428,674

Group Art Unit: 1631

Filed: October 27, 1999

Examiner: A. Marschel

For: NOVEL HUMAN POLYNUCLEOTIDES AND THE POLYPEPTIDES ENCODED THEREBY  
Attorney Docket No.: 8535-029-999

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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated May 31, 2000, Applicants elect to prosecute the claims of Group I (Claims 1-4), drawn to polynucleotides. Applicants further elect, pursuant to 35 U.S.C. § 121, the species of SEQ ID NOS:9-18 for initial examination on the merits. Elected Claims 1-4 read on the elected species. Applicants understand their species election is being made solely to facilitate examination of the application, and that they are entitled to consideration of additional species upon allowance of a generic claim.

Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

Submitted herewith is: (a) a Communication; (b) a paper copy of a substitute Sequence Listing; (c) a copy of the substitute Sequence Listing in computer readable form; (d) a Petition to Extend Time under 37 C.F.R. § 1.136(a) extending the period for response by two (2) months to and including **August 30, 2000**, with the appropriate fee; and (e) Verified Statement (Declaration) Claiming Small Entity Status - Small Business Concern.

Applicants believe no fee in addition to the fee for the extension of time is due in connection with this response. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Pennie & Edmonds U.S. Deposit Account No. 16-1150.

Respectfully submitted,

Date: August 30, 2000

  
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Enclosures